

REGULAR CITY COUNCIL MEETING
AUGUST 28, 1989

PRESENT

Ruth Hansen
Wesley J. Bloomfield
Gayle Bunker
David Church
Don Dafoe
Rex T. Harris

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery
Richard Waddingham
Neil Forster
Roger Young
Edgar Phillips
Gordon Shipley
Kim Taylor
Robert Dekker
Mr. & Mrs. Chuck Stewart
Jim Robson
Robert Terry
Stanley K. Robison
Brian Robison
Carol Parr
Steve Howell
Virginia Taylor
Morris Burton
Donald Kozina

City Recorder
City Attorney
Public Works Director
Chief of Police
Millard County Sheriff
Intermountain Power Agency
Police Officer
Millard County Sheriff's Dept.
Millard County Sheriff's Dept.
City Resident
City Resident
Justice of Peace
City Resident
Police Secretary
City Resident
Deputy Recorder
Police Officer
Kingdom Hall

Mayor Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of an Emergency City Council meeting held June 27, 1989, were presented for consideration and approval.

The Council reviewed the minutes briefly and proposed corrections. Council Member David Church MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held August 14, 1989, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Wesley Bloomfield MOVED that the minutes be tabled until corrected. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a regular City Council meeting held August 14, 1989, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Wesley Bloomfield MOVED that the minutes be tabled until corrected. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment as listed in the amount of \$13,872.10. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

OLD BUSINESS

MAYOR RUTH HANSEN: WEST DELTA ANNEXATION

Mayor Hansen asked Attorney Richard Waddingham to present an ordinance.

Attorney Waddingham presented a proposed ordinance entitled:

ORDINANCE NO. 89-119

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH ADOPTING AMENDMENTS TO THE DELTA CITY MASTER ANNEXATION POLICY DECLARATION PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF DELTA

CITY, ESTABLISHING THE ZONE DISTRICT CLASSIFICATIONS FOR THE ANNEXED TERRITORY AND GIVING FINAL ACCEPTANCE TO THE ANNEXATION PETITION SUBMITTED BY VARIOUS PROPERTY OWNERS WITH RESPECT TO THE ANNEXATION IDENTIFIED AS THE "WEST DELTA ANNEXATION."

Attorney Waddingham reviewed the ordinance with the Mayor and Council.

Council Member Gayle Bunker said that in his initial conversation with Fred Anderson regarding the West Delta Annexation, he guaranteed Mr. Anderson one water connection at no cost to annex his property. The Council concurred with Councilman Bunker.

Following further discussion, Council Member Don Dafoe MOVED to adopt Ordinance No. 89-119. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes
Council Member Rex Harris	Yes

Mayor Hansen then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: STATUS OF KAYE'S HAIR KARE BUSINESS LICENSE

Mayor Hansen asked Public Works Director Neil Forster to review with the Council the status of Kaye's Hair Kare Business License.

Mr. Forster requested that this item be tabled until the next regular City Council meeting to allow for further review and preparation. The Council concurred.

MAYOR RUTH HANSEN: STATUS OF REMOVAL OF WHITE SAGE APARTMENTS

Mayor Hansen reminded the Council that Richard Holmes, Tumurru Trades Inc. (dba Village Homes), purchased 26 White Sage Apartment buildings from IPA. The agreement between Tumurru Trades Inc. and IPA contained a provision whereby IPA would deed to Tumurru Trades, Inc., the land associated with all 38 buildings in exchange for Tumurru Trades, Inc., assuming IPA's obligations under the Annexation Agreement. The purchase agreement also required Tumurru Trades, Inc. to post a performance bond in the amount of \$80,000 with IPA to assure that the conditions of the Annexation Agreement would be met.

Mayor Hansen said that an extension of time was given to Mr. Holmes until October 31, 1989; at which time the removal of the apartments and restoration of the land is to be completed. However, Mayor Hansen said that there has not yet been any effort made toward the removal of the building foundations and other remaining materials.

Mayor Hansen said that at one time Mr. Holmes suggested to her that the foundations be used for some other type of housing project. She recommended that Mr. Holmes make a proposal to her and the Council for a use for that property; however, Mr. Holmes has not yet contacted Mayor Hansen with a proposal.

Mayor Hansen said she would write a letter to Richard Holmes regarding her concerns about the property.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: PURCHASE OF BACKHOE TO BE USED IN THE PUBLIC WORKS DEPARTMENT

Mayor Hansen asked Public Works Director Neil Forster to address the Council.

Neil Forster said that the backhoe they are presently using in the Public Works Department is one-year old and can be traded back to Century Equipment for a new backhoe for \$1,559. He said the backhoe has been budgeted for and requested Council's approval to trade the old backhoe for a new one for \$1,559.

Following brief discussion, Council Member Gayle Bunker MOVED to authorize Neil Forster to trade the old backhoe for a new one to Century Equipment for \$1,559. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: BID SPECIFICATIONS FOR PICKUP TO BE USED IN THE PUBLIC WORKS DEPARTMENT

Mayor Hansen asked Public Works Director Neil Forster to address the Council.

Neil Forster presented a list of bid specifications for a 1990 Model Mid-Size Pickup Truck to be used in the Public Works Department. Mr. Forster said that this truck has been budgeted for and asked for Council's approval to obtain bids for a pickup.

Following discussion, Council Member Don Dafoe MOVED to authorize Neil Forster to obtain bids for a Mid-Size Pickup Truck - 1990 Model to be used in the Public Works Department. The motion was

SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: STREET VACATION TO MILLARD COUNTY

Mayor Hansen asked Public Works Director Neil Forster to discuss with the Council a proposed street vacation.

Neil Forster said that he has been approached by Millard County officials as to whether or not Delta City would be interested in transferring ownership of Pinyon Drive and Ponderosa Drive to Millard County.

Following brief discussion, the Council Members expressed their desire to maintain ownership of those two streets.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: AIRPORT LIGHTING

Mayor Hansen asked Public Works Director Neil Forster to discuss lighting at the Delta Municipal Airport with the Council.

Mr. Forster said that Hamilton Electric has checked the lighting on the airport runways and determined that the feeders to runway 16/34 and the runs going to the taxiways from the mechanical vault have been ruined by rodents.

Hamilton Electric said that they could repair the runway lighting but the taxiway lighting needs to be completely rewired to make it usable. Their estimate to repair the lighting is \$50,000; however, the entire lighting project could be completed for approximately \$80,000 - \$100,000, which would include new wiring, light fixtures, transformers and possibly a relocated electrical vault.

Mr. Forster said that approximately \$20,000 of the grant money allotted for the Airport Runway Project is remaining and could possibly be increased to repair the runway lighting system.

The Council instructed Neil Forster to contact the FAA to determine what funding is available for a total airport lighting system, and in the meantime, repair the runway lights in a functional manner.

Following discussion, Council Member Wesley Bloomfield MOVED to close out the contract with Sumsion & Sons on the present Airport Project and authorize Neil Forster to investigate the expenditure of installing a new lighting system at the Delta Municipal Airport with additional grant monies. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any

further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO SECTION 9-111-L. 10 OF THE BUSINESS LICENSE ORDINANCE

Mayor Hansen asked Attorney Waddingham to address the Council.

Attorney Waddingham said that he is preparing an amendment to the Business License Ordinance and asked the Council to clarify whether a physician or the State Health Inspector should be required to inspect a place of business where fresh fruits, vegetables, meats or other foodstuffs are being sold.

The Council agreed that the State Health Inspector should be required to make the necessary inspection.

MAYOR RUTH HANSEN: APPOINTMENT OF HISTORIC PRESERVATION BOARD MEMBERS

Mayor Hansen recommended that Dorothy Killpack, June Reid, Charlotte Morrison and Louise Lyman be reappointed to the Historic Preservation Board. Two member's terms are two-year terms and two member's terms are four-year terms, which will be determined by the Board.

Following brief discussion Council Member Don Dafoe MOVED to appoint Dorothy Killpack, Charlotte Morrison, Louise Lyman and June Reid as members of the Historic Preservation Board. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

MAYOR RUTH HANSEN: TEMPORARY TRAILER PARKING BY KINGDOM HALL

Mayor Hansen said that Attorney Waddingham is preparing an amendment to the Zoning Ordinance to allow temporary parking of trailers on private property for not more than seven days. However, due to the time required in preparing, adopting and publishing an ordinance, Mayor Hansen recommended that the Council consider Donald Kozina's, Kingdom Hall, request to park a R.V. trailer near Kingdom Hall for a period of seven days twice a year.

Following brief discussion, Council Member Gayle Bunker MOVED to allow Kingdom Hall to temporarily park a R.V. trailer for a period of seven days twice a year on their property. The motion was SECONDED by Council Member Rex Harris. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

DOROTHY JEFFERY, CITY RECORDER: OCTOBER/NOVEMBER ELECTION INFORMATION

Mayor Hansen asked City Recorder Dorothy Jeffery to briefly review the upcoming October/November Elections.

Dorothy Jeffery reported that Don Dafoe and Rex Harris have filed for Mayor. Robert Dekker, Robert Droubay, Bill Foster, Bryan Nielson and Ruth Rawlinson have filed for a four-year Council term.

Mrs. Jeffery said that a Primary Election will be held October 3, 1989, and recommended that Norma Pearson and Dorothy Killpack be appointed as Head Judges of Elections.

Council Member David Church MOVED to appoint Norma Pearson and Dorothy Killpack as Head Judges of Elections. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

DOROTHY JEFFERY, CITY RECORDER: REPORT ON YEAR ENDING JUNE 30, 1989 AUDIT

Mayor Hansen asked City Recorder Dorothy Jeffery to report on the Audit for year ending June 30, 1989.

Dorothy Jeffery reported that Robison & Hill has recently been working on the Audit Report for Year Ending June 30, 1989, and said that it should be completed for approval by October 1989.

Mrs. Jeffery briefly reviewed the auditing procedures and said that she felt the audit went very smooth.

ROGER YOUNG, CHIEF OF POLICE: PERSONNEL REPLACEMENT FOR POLICE DEPARTMENT

Mayor Hansen asked Chief Roger Young to address the Council.

Chief of Police Roger Young said that Officer Paul Mitchell has resigned and no longer works for the Delta Police Department, which now leaves a four officer department.

Chief Young said that a department with less than five officers is not subject to the Fair Labor Standards Act and may receive overtime pay rather than compensation time if they so desire. He also said that with a four officer department, 24 hour police protection is no longer available.

Chief Young presented a chart showing what the estimated minimum overtime hours would be for four officers, each officer receiving

two weeks vacation, six days sick leave, two floating holidays and 40 training hours per year. Chief Young estimated the overtime to be between \$12,000 - \$14,000 per year.

Chief Young asked the Council for their recommendation.

Council Member David Church MOVED to table discussion of this item to allow for further review and discussion. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: ORDINANCE REGULATING TRAFFIC ON PRIVATE PROPERTY BY COMMERCIAL ESTABLISHMENTS

Mayor Hansen asked Attorney Waddingham to address the Council.

Attorney Waddingham said that he has heard several complaints from business owners regarding groups of individuals parking, drinking alcohol and littering in their parking lots. Specifically, banks are complaining about individuals parking in the round way adjoining the night depository and discouraging individuals from making night deposits.

Mr. Waddingham said that municipalities may adopt ordinances to provide that privately-owned and maintained roads or parking areas within the city limits are subject to Utah Traffic Rules and Regulations (Section 41, Chapter 6, Utah Code Annotated).

In order to regulate private roads or parking areas, the City must establish that the roads or parking area are generally held open for use of the public for purposes of vehicular traffic or parking to serve commercial establishments.

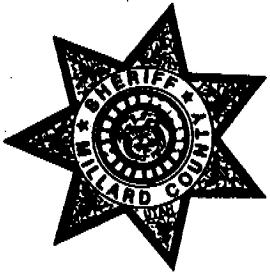
The City Council agreed that parking lots should be regulated to discourage people from consuming alcohol on the parking lot premises and discarding litter. However, the Council felt at this time that the banks should attempt to provide a positive image and take steps to correct their own parking problems on bank premises.

Mr. Waddingham stated that prior to passing an ordinance regulating private roads or parking areas. The City would need to hold a public hearing and obtain a written agreement of the property owner.

SHERIFF EDGAR PHILLIPS: DELTA CITY/MILLARD COUNTY CONTRACT LAW ENFORCEMENT

Mayor Hansen welcomed Sheriff Ed Phillips and asked him to address the Council.

Sheriff Phillips presented the following letter and cost proposals:



Millard County

Sheriff's Office

Star Route, Box 50

Fillmore, Utah 84631

Ed Phillips

Sheriff

801-743-5302

801-864-2755

August 23, 1989

Mayor Ruth Hansen and Council
Delta City
76 North 200 West
Delta, Utah 84624

Dear Mayor Hansen and Council Members:

At your request, I have prepared the enclosed cost proposals with the objective of illustrating to you how contracting for law enforcement services with the Millard County Sheriff's Office, combined with more and better utilization of existing sheriff's office resources, could be of great benefit to the City of Delta in reduced costs without any loss of your present law enforcement services. In fact, because of the availability of certain additional sheriff's office resources, it is my firm belief and position that your police services would be greatly enhanced. Please note that one proposal is for full time law enforcement coverage and the other proposal is for 18 hours per day coverage.

The costs included in this proposal are determined by using the average deputy sheriff's wage and benefit scale, the average operating cost per deputy and the replacement of a patrol car per man every four years. However, these costs as presented do not reflect or include special investigation time and other support services such as dispatch, computer services, phone costs and other support and administration costs that are required but for the most part are fixed costs to Millard County. I have included, however, the cost of a part time secretary to assist in assuming the anticipated additional work load that would result in assuming your city's police duties. This secretary would of course be located at our Delta area office.

One point that I must clarify, however, is that we do not and will not handle animal control so far as taking dogs and cats into custody and transporting them. We will

respond to those calls and assist whoever you designate much the same as is now our practice in the Millard County Animal Control Program Contract with Fillmore City and Dr. H. Nielsen.

As far as management of law enforcement within Delta City, I would be totally responsible for that and would be available for contact with you as needed or at regularly scheduled meetings for your comment and input. I realize there may be many more concerns and questions than I have addressed in this brief proposal and look forward to discussing those with you in hopes of providing you with enough information to enable you to make an informed decision as it relates to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ed Phillips', written in dark ink.

Ed Phillips
Millard County Sheriff

EP:cd

HOURLY COSTS

Wage:	10.74
Benefits:	3.75
Uniform Purchase and maintenance	.26
Patrol car and operating expense	4.28
TOTAL	<u>\$19.03</u>

DAILY COSTS FOR OFFICERS

19.03 per hour
x 24 hours per day
<u>\$456.72 per day</u>

ANNUAL COSTS FOR OFFICERS

456.72 per day
x 365 days per year
<u>\$166,702.80</u>

MONTHLY COST FOR PART TIME SECRETARY

21 days at 4 hours per day
Cost per hour including benefits (\$10.12)
TOTAL: \$850.08

ANNUAL COST FOR PART TIME SECRETARY

850.08 per month
x 12 months
TOTAL <u>\$10,200.96</u>

PROGRAM TOTAL COST PER YEAR: \$176,903.76

HOURLY COSTS

Wage:	10.74
Benefits:	3.75
Uniform Purchase and maintenance	.26
Patrol car and operating expense	4.28
TOTAL	<u>\$19.03</u>

DAILY COSTS FOR OFFICERS

19.03 per hour	
x 18 hours per day	
	<u>\$342.54 per day</u>

ANNUAL COSTS FOR OFFICERS

342.54 per day	
x 365 days per year	
	<u>\$125,027.10</u>

MONTHLY COST FOR PART TIME SECRETARY

21 days at 4 hours per day	
Cost per hour including benefits (\$10.12)	
TOTAL:	\$850.08

ANNUAL COST FOR PART TIME SECRETARY

850.08 per month	
x 12 months	
TOTAL	<u>\$10,200.96</u>

PROGRAM TOTAL COST PER YEAR: \$135,228.06

The Council requested more information regarding the following issues for future negotiations:

City Building Office Space
Police Secretary Hours & Wages
Vehicle Transfer
Six Month Trial Period
Salary and Benefit Schedules
Retirement Transfer
Employee vacation, sick leave, carry over, etc.

Sheriff Phillips encouraged Mayor Hansen and Council Members to contact himself or Captain Robert Dekker if they had any further questions or if they needed additional information.

This item was tabled until September 11, 1989.

OTHER BUSINESS


Attorney Waddingham was instructed to proceed with a notice of default for Robert Pendray.

Attorney Waddingham was instructed to review the contract between Delta City and Insight Cable T.V., which is up for renewal.

Mayor Hansen asked if there were any further comments, questions or items to be discussed. There being none, Council Member David Church MOVED to adjourn. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mayor Hansen declared the meeting adjourned at 9:30 p.m.



RUTH HANSEN, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 9-11-89